

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

FILED BY RG D.C.  
05 AUG 26 PM 4: 19

THOMAS M. GOULD  
CLERK, U.S. DISTRICT COURT  
W/D OF TN, MEMPHIS

ROWLO SMITH,

Petitioner,

v.

No. 04-2854-Ma

UNITED STATES OF AMERICA,

Respondent.

**JUDGMENT**

Decision by Court. This action came for consideration before the Court. The issues have been duly considered and a decision has been rendered.

IT IS ORDERED AND ADJUDGED that this action is dismissed in accordance with the Order Denying Motion Pursuant to 28 U.S.C. § 2255, docketed August 9, 2005. The issuance of a certificate of appealability under amended 28 U.S.C. § 2253 is denied. Any appeal in this matter by Petitioner, proceeding in forma pauperis, is not taken in good faith.

APPROVED: 

SAMUEL H. MAYS, JR.  
UNITED STATES DISTRICT JUDGE

DATE

August 26, 2005

CLERK



THOMAS M. GOULD  
(By) DEPUTY CLERK



## Notice of Distribution

This notice confirms a copy of the document docketed as number 6 in case 2:04-CV-02854 was distributed by fax, mail, or direct printing on August 31, 2005 to the parties listed.

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Honorable Samuel Mays  
US DISTRICT COURT